

North Carolina Agriculture Cost Share Program Review Summary (November, 2016)

County	Franklin	Date of Previous Review/Report	December 2011
District Staff Name(s)	Charles Bass, Quinton Cooper, Cindy Phelps	Date	November 28, 2016
NRCS Staff Name(s)	William Byrum		
Division Representative(s)	David Harrison, Louise Hart		
Additional Participants			

Questions	Division Findings				Division Comments	District Plan of Action Required		SWCD Plan of Action	Proposed Timeline for Implementation	Division Response to Plan of Action (date)
	Commendation	Recommendation	Corrective Action	No Concerns/ Not Applicable		Yes	No			
Section 1: Application Procedures and Tracking Progress (BMP Implementation and Payments)										
Questions in this section focus on how the district advertises the program, how applications are developed, how contracts are developed, how funds are tracked and how the board approves each.										
How/when are the district board meetings scheduled?				X	The board meets every third Thursday at 9 am		X			
How do you notify the public of the board meeting schedule? Does it adhere to the Open Meetings Law?		X			Notice of board meetings is placed on the office door and in the Franklin Times newspaper. The Division recommends that you consider posting meeting on the		X			

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					district or county website as well as with the county clerk of court. While it has not been formally decided if soil and water district boards fall under "county government" it is recommended they follow the same procedures outlined in http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_143/Article_33C.html section § 143-318.12.					

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Please describe the district's process for providing assistance to applicants by assessing resource concerns to determine if a BMP is "needed and feasible" and then developing the conservation plan.				X	Staff conduct field visits to identify resource concerns and discuss applicant's desired results.		X			
In what instances does the district provide technical assistance without cost share funds?				X	District staff provide technical assistance only approximately 10-15% of the time. Most cooperator requests fit cost-share programs.		X			
Are applications reviewed and approved by the Board as a separate action item?				X	Yes		X			
Are application motions/decisions recorded in the board minutes?				X	Yes		X			
Applicants are limited when applying for incentive BMPs. How does your district track applicants so they do not go over the practice caps and to be sure they haven't already "adopted" the practice? Is your district using the self-certification for incentives form provided by the division?				X	The district does not use track this separately. They use their local knowledge and review old contracts if individuals may have applied previously. The self-Certification form is being used by cooperators		X			

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If multiple partners farm together, how does the district track individual applicants as one operation or entity?				X	The District refers to tax numbers for applicants to determine if operations are associated.		X			
At what point in the application process does the district develop the contract? Describe this process.				X	Contract planning starts with the initial field visit and continues through the preparation of the contract.		X			
Describe how the district reviews the contract with the applicant. Do you explain that work cannot begin until the contract is approved by the division?				X	Staff reviews the work with the applicant and responsibilities of the parties. Work is not to begin without division approval.		X			
Describe the district/board's procedure for approving supervisor contracts.				X	Supervisor abstains from discussion and voting. Supervisors follow the same process for contracts of family members.		X			
Are contracts reviewed and approved by the Board as a separate action item?				X	Yes		X			
Are contract motions/decisions recorded in the board minutes?				X	Yes		X			
Is it documented in the Board minutes that the supervisor abstained from discussing his/her own contract and from voting?				X	Yes		X			

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What procedures do you follow for notifying the applicant that work can begin?				X	District staff call the cooperator and mail the contract paperwork.		X			
What information do you provide the applicant?				X	Staff provide designs and specifications for the contracted BMPs.		X			
What technical assistance do you provide during the BMP installation process to ensure the BMP is installed correctly and by the contract deadline?				X	Staff complete field layouts, meet with contractors, and supervise installation and checkout.		X			
How do you track the Commission's interim performance milestone? One-third of the work must be completed within 12 months of division approval.				X	Most practices are completed within the first year. Staff reviews contracts and follows-up with phone calls.		X			
If 1/3 of the work has not been completed within 12 months and the cooperator requests additional time, is the district recording 6-month extensions in the board minutes?				X	Yes		X			



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What documentation do you include in the contract file that certifies that the BMP was inspected and is installed to the standards and specifications?				X	The district includes as-builts and field checkout notes in the contract files.		X			
Are BMPs measured then certified before the request for payment is approved? How is this documented?				X	Yes. This information is documented in the field notes.		X			
Are receipts received and reviewed for CSP BMPs that are based on actual cost?				X	Yes		X			
Are request for payments reviewed and approved by the board as a separate action item?				X	Yes		X			
Are payment motions/decisions recorded in the board minutes?				X	Yes		X			
Section 2: Spot Checks and Compliance Issues Questions in this section focus on how the district reviews BMPs for compliance and how maintenance and/or non-compliance issues are addressed.										
<i>Who participates in annual spot checks? When are they conducted?</i>				X	Spot checks are conducted in March-April or later. The district usually has two supervisors participate with other interested parties.		X			



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How does the district randomly select which contracts to spot check?				X	Contracts are selected by random numbers, plus the required animal waste contracts.		X			
Are all BMPs under the waste management category spot checked for the first five years after installation? This applies to all farms that fall under the thresholds that are regulated by DWR.				X	Yes		X			
Are all agriculture new ponds, pond repair/retrofits, and water collection systems being spot-checked every year during the maintenance period?				X	Yes		X			
Are all agriculture road repair/stabilizations being spot-checked at least every 2 years during the maintenance period?				X	Yes		X			
How does the district notify the NRCS area office (for ACSP contracts) or division (for CCAP contracts) to conduct spot checks on lands owned or operated by a district, county, division or NRCS employee or district supervisor? This includes CPOs, revisions, supplements or repairs.				X	District staff submit a request by email through NRCS annually.		X			



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<p>The North Carolina Statute 02 NCAC 59D.0107(f) states, " If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation."</p> <p>How does your district notify individuals that have destroyed or mismanaged a BMP?</p>				X	District staff do a one-on-one visit with the cooperator, followed by a certified letter.		X			
<p>How are supervisors notified of BMPs that are found to be destroyed or mismanaged at any time throughout the year?</p>				X	Supervisors are informed at the next board meeting		X			



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Does the district provide a written notice that the BMP must be repaired or re-implemented within 30 working days? (Vegetative practices have to be reestablished within one calendar year.) Is a copy of the notification kept in the contract file?				X	Yes		X			
If the BMP was not repaired or re-implemented, was repayment requested? Please provide documentation.				X	Not applicable to date.		X			
Is the district notifying the division of non-compliance and resolutions?				X	The district has not had any non-compliant contracts recently. Please follow the Commission's non-compliance policy should issues arise.		X			
Section 3: Record Keeping Questions in this section focus on how funds are managed and accounted for, maintaining proper design and job approval authority, as well as disclosure forms.										
How does the district track BMP funds?				X	The district maintains a spreadsheet that is presented at each board meeting.	X				
In what instances does the district use the division on-line (website & CS ²) reports?				X	These resources are used as to double check the district spreadsheet.	X				



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How are technical assistance and operating funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Audited through the county. The last audit was completed on August 18, 2016.	X				
Who in the office is funded by Cost Share Technical Assistance (TA) from the State?				X	Charlie Bass		X			
How are matching funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?		X			In house account. Self-audited. It is recommended that the district review the LGBFCA to ensure it is in compliant with the law. http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_159/Article_3.pdf Additional resources to help with this process can be found under the Financial Administration for Districts heading on the following website: http://www.ncagr.gov/SWC/professional_development/management.html		X			
Is proper job approval authority (JAA) documented for each technical and cost share position? Please provide a copy of the latest approved JAA.				X	Yes, each employee has a copy of their JAA. Charlie is working on obtaining JAA for Access Road.		X			


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Section 4: Contract Reviews and Site Visits Below is a list of the contracts the division reviewed. Spot checks were also conducted. Notes include recommendations and/or corrective action for contract files as well as the BMP. Contracts/BMPs are listed by contract number.										
Contract Number: 35-2007-001 Applicant Name: Cathy Cantwell BMP: Lagoon Closure  				X	Site has been completely abandoned and buildings have been taken down.		X			



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<p>Contract Number: 35-2008-009 Applicant Name: Johnnie Gilliam BMP: Waste Impoundment Closure</p>  				X	Lagoon has been closed and site is no longer supporting confined animals.		X			



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Contract Number: 35-2008-209 Applicant Name: Robert Kinton BMP: Pasture Renovation 				X	Drought Program. BMP needs normal maintenance to ensure vegetation will remain through the contract life.		X			
Contract Number: 35-2009-003 Applicant Name: Warren Harris BMP: Waste Application Equip. 				X	Equipment in good shape and being used as planned.		X			



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<p>Contract Number: 35-2009-011 Applicant Name: Robert Frisbie BMP: Irrigation System - Sprinkler</p>  				X	Equipment in good shape and being used as planned.		X			



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Contract Number: 35-2009-214 Applicant Name: Carvel Cheves BMP: Water Well 				X	Equipment in good shape and being used as planned.		X			
Contract Number: 35-2009-501 Applicant Name: Lake Royale POA BMP Storm Water Wetland: 				X	BMP in excellent condition and functioning as planned.		X			




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<p>Contract Number: 35-2010-009 Applicant Name: Lamont Futrell BMP: Irrigation Pump</p> 			X		<p>The Contract was approved by the District on 3/18/2010 but was not approved by the Division until 4/28/2010.</p> <p>The RFP was signed by the District on 4/15/2010. RFP was approved by the Division on 5/11/2010</p> <p>A Post Approval was not requested and the discrepancy was not noticed by Division Staff.</p> <p>The district failed to adhere to commission policy prohibiting post approval of cost share contracts. Please review the commission policy http://www.ncagr.gov/SWC/costshareprograms/documents/prohibition_post_approvals.pdf and devise a method to avoid this happening in the future.</p>	X				


<p>Contract Number: 35-2011-001 Applicant Name: James Layton BMP: Lagoon Closure</p> 				X	Lagoon has been closed and site is no longer supporting confined animals.		X			
<p>Contract Number: 35-2011-002 Applicant Name: Tracey Gay BMP: CREP – Riparian Buffer</p> 				X	BMP in excellent condition and functioning as planned.		X			

<p>Contract Number: 35-2011-502 Applicant Name: Merritt's Child Care BMP: Backyard Rain Garden</p> 				X	BMP in excellent condition and functioning as planned.		X			
<p>Contract Number: 35-2012-001 Applicant Name: Ken Bartholomew BMP: Waste Impoundment Closure</p> 				X	Lagoon has been closed and site is no longer supporting confined animals. Vegetation needs some minor maintenance.		X			

<p>Contract Number: 35-2013-001 Applicant Name: Peachtree Creek Farm BMP: Waste Application Sys.</p> 				X	Equipment in good shape and being used as planned.		X			
<p>Contract Number: 35-2013-004 Applicant Name: Howard Moore BMP: Waste Application Sys</p> 				X	Equipment in good shape and being used as planned.		X			

<p>Contract Number: 35-2013-006 Applicant Name: Samuel Land BMP: Cropland Conversion - Trees</p> 				X	BMP in excellent condition and functioning as planned.		X			
<p>Contract Number: 35-2014-007 Applicant Name: Andrews-Hunt Farm BMP: Waste Application Sys</p> 				X	<p>Clerical error in initial contract choosing Solid Set vs. Reel. Receipts were in contract.</p> <p>Equipment in good shape and being used as planned.</p>		X			

<p>Contract Number: 35-2015-005 Applicant Name: TS Dean Farms BMP: Waste Application Sys</p> 				X	Equipment in good shape and being used as planned.		X			
<p>Contract Number: 35-2015-800 Applicant Name: Brian Pernell BMP: Pond Sediment Removal</p> 				X	BMP in excellent condition and functioning as planned.		X			
<p>Contract Number: 35-2015-801 Applicant Name: Donald Matthews BMP: Pond Sediment Removal</p> 				X	BMP in excellent condition and functioning as planned.		X			

<div>Contract Number: 35-2016-800 Applicant Name: Crystal Allen BMP: AgWRAP Well</div> <div></div>				X	BMP in excellent condition and functioning as planned. The contract has only had a partial payment. The contract expires on June 30, 2018 and the rest of the project must be completed at that time or the funds must be repaid.		X			
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